

JAP:MJJ

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**15 M 0608**

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UNITED STATES OF AMERICA

- against -

KYHEIM BETHEA,

Defendant.

APPLICATION AND  
COMPLAINT IN SUPPORT  
OF APPLICATION FOR  
ARREST WARRANT

(18 U.S.C. § 922(g)(1))

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EASTERN DISTRICT OF NEW YORK, SS:

DAVID M. JOEL, being duly sworn, deposes and states that he is a Detective with the New York City Police Department ("NYPD"), duly appointed according to law and acting as such.

On or about June 27, 2015, within the Eastern District of New York and elsewhere, the defendant KYHEIM BETHEA, having been convicted in a court of one or more crimes punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting commerce a firearm, to wit, a .380 caliber Bersa pistol, and ammunition.

(Title 18, United States Code, Section 922(g)(1))

The source of your deponent's information and the grounds for his/her belief are as follows:<sup>1</sup>

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<sup>1</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Detective with the NYPD and have been involved in the investigation of numerous cases involving firearms offenses. I am familiar with the facts and circumstances set forth below from my review of records from the NYPD and other government agencies and from my discussions with NYPD officers.

2. On or about June 27, 2015, at approximately 1:15 a.m., three NYPD officers from the 81<sup>st</sup> Precinct Anti-Crime Unit were on routine patrol in an unmarked car in Bedford-Stuyvesant.

3. The officers observed a car traveling at high speeds and weaving. The officers stopped the car and approached the driver, later identified as the defendant. The officers smelled alcohol emanating from the car and noticed that the defendant appeared intoxicated. The officers then arrested the defendant for driving while intoxicated, in violation of New York Vehicle Traffic Law 1192.03.

4. An inventory search of the car revealed a .380 caliber Bersa pistol, contained within a black computer bag in the trunk of the car. Personal papers bearing the defendant's name were also contained within the black computer bag, including but not limited to an envelope addressed to the defendant from the New York Department of Motor Vehicles and an envelope addressed to the defendant from a New York State Court.

5. I have communicated with an ATF interstate nexus expert who informs me that all .380 caliber Bersa pistols are manufactured outside the State of New York.

6. I reviewed the defendant's criminal history records and have determined that the defendant has been convicted of the following crimes: (1) on May 1, 1996, the defendant was convicted of Murder in the Second Degree, in violation of New York Penal Law

§ 125.25(3), and was sentenced to a term of incarceration of 105 months to life; (2) on November 17, 1998, the defendant was convicted of Assault in the Second Degree in violation of New York Penal Law 120.05(6), and was sentenced to five years' incarceration.

WHEREFORE, your deponent respectfully requests that the defendant KYHEIM BETHEA, be dealt with according to law.

A handwritten signature in black ink, appearing to read "D. Joel", written over a horizontal line.

DAVID M. JOEL

Detective, New York City Police Department

Sworn to before me this  
2nd day of July, 2015

THE HONORABLE ROANNE L. MANN  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK